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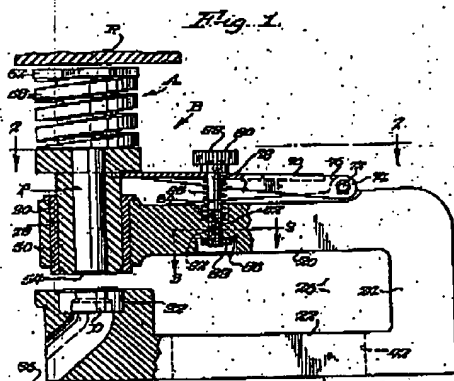
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REMARKS

Claims 1 and 3 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Taylor '970. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks. The Applicant thanks the Examiner for indicating that claims 4 and 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, but for the reasons set forth below believes the presently pending claims 1 and 3-5 to be allowable.

The Applicant notes that the previously indicated allowability of claim 2 has been withdrawn in view of the newly discovered reference to Taylor '970. In view of this newly uncovered reference by Examiner, it is the Applicant's position that this reference, and in particular die D, is merely cumulative prior art and does not in fact disclose, teach or even suggest the specifically claimed features of the presently claimed invention. As the Examiner is undoubtedly aware, and in accordance with case law in order for a reference to properly anticipate the present claims of this application, Taylor '970 must disclose each and every limitation of the presently claimed invention.

As an initial matter, Taylor '970 relates to a punch and die holder for supporting a rather conventional die (D) and punch (P) as shown in FIG. 1 reproduced below for the benefit of clarity.



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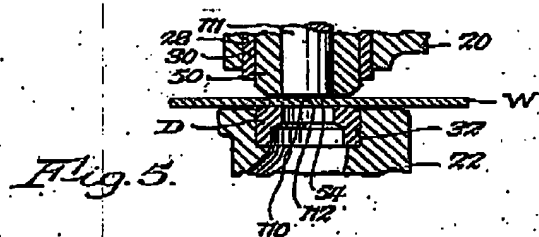
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In particular, the die (D) disclosed in Taylor '970 which is supported by the lower arm 22 of the punch and die holder, is merely a conventional stepped die having a stepped die bore to facilitate in a known manner the release of the slug as it is forced through the die by the punch (P). A similar prior art die 23 having a tapered bore is shown for example in US Patent No. 3,779,113 to Jestin, as well as in the Applicant's submitted reference entitled "Whitney Dies" from the originally filed Information disclosure statement on April 12, 2004. In any event, such a die D as disclosed in Taylor '970 is particularly well known in the art and comes in many shapes and forms where the inner bores are conventionally tapered and/or stepped. It is the specific intention of the claimed die structure of the present invention to overcome the drawbacks associated with such conventional dies.

As best the Applicant understands Examiner's interpretation of the Taylor '970 reference (where Examiner has apparently indicated that the die D is the metal plate in which a hole is to be formed) the Examiner has applied the specific structural features of the ejection slide (no reference number) in the die and punch holder, and not the features of the die, to anticipate the presently claimed invention. As perhaps best illustrated by Taylor's fig. 5 the die D is supported in the lower arm 22 and the metal plate W in which the hole is to be punched is supported above the die bore and below the punch P.



The Applicant points out that the presently claimed features which the Examiner compares to the disclosure of Taylor '970 are features of the die itself and thus features of the

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die and punch holder are inapplicable, and in fact have no effect on the cutting and punching operation in regards to the metal plate W. Applicant's claim 1 specifically recites:

a die body defining a *vertical through bore* extending between a top and a bottom surface of the die body;
a *horizontally extending ridge* formed on a first portion of a wall of the through bore for engaging a portion of a slug cut from the metal plate and tipping the slug away from a face of the punch;

It is clear, therefore, from the claimed structure that the "through bore" is part of the die body, and the "horizontally extending ridge", is part of the through bore. In other words, the "horizontally extending ridge" is part of the die body, and not any other part of the punch and die tooling apparatus.

In addition, the Applicant notes that a "die" is a very well known and well understood tooling feature, as noted by the Random House Dictionary of the English language, abridged edition 1966, a "die" is defined as "1. mech. a. any of various devices for cutting or forming material in a press or a stamping or a forging machine". Thus, the features of Taylor '970 to which the Examiner refer cannot be defined as a "die" since these noted features do not carry out any sort of cutting or forming operations on the material, but merely conduct the completely cut slug away from the holder *after* the slug is ejected from the die D. It is, therefore, the Applicant's position that the claimed features following the recitation of the "die body" in the pending claims unequivocally relate to the through bore of the die body and not to any other features of a punch and die tooling apparatus, and therefore the features of the tool and die apparatus as cited in Taylor '970 cannot anticipate the presently pending claims.

Even if the punch and die holder, and in particular the lower arm 22 thereof in Taylor '970 could be considered an anticipating structure to the presently claimed invention, and the Applicant adamantly disagrees with any such assertion, the Official Action indicates that Taylor '970 discloses, "a horizontal extending ridge formed on a first portion of a wall of the

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bore capable of engaging a portion of a work piece and capable of tipping the work piece away from the face of the punch". Observing Examiner's Appendix A the Applicant cannot discern where the side of the ejection bore 100 discloses or teaches a "horizontally extending ridge" as recited in claim 1. The sloping ejection slide (Examiner's reference no. 101) is not horizontal by any means, but is in fact angled relative to both the vertical and horizontal. While, ejection slide 101 may arguably "tip" the slug relative to the punch face, the ejection slide is not a feature of the die, nor is it horizontal.

Furthermore, Applicant notes that the inner surface of the bore 101 is not a ridge according to any definition of the term. The Random House Dictionary of the English language, abridged edition 1966, defines a "ridge" as: "2. The long and narrow upper edge, angle, or crest of something . . .". The sloping slide indicated by Examiner's reference no. 101 exhibits none of the edge, angle or cresting features which could be considered a "ridge". While it might be arguable that the horizontal support surface which specifically supports the die (D) is a horizontal ridge, Applicant again notes that this shoulder or ledge is not part of the die but, in fact, part of the die holder and has no impact or influence upon the slug in any event.

Similarly, with respect to the Applicant's claimed feature of "a partially circumferential relief" as recited in the fourth paragraph of claim 1, even if 102 can be considered a partially circumferential relief, such relief is formed in the lower arm 22 of the punch and die holder and not the die (D) as claimed by the Applicant.

Finally, with respect to the final paragraph of claim 1 which recites "wherein the partially circumferential relief is formed vertically closer to the top surface of the die body than the horizontally extending ridge to provide an adequate space to prevent jamming of the tipping slug in the through bore of the die", again the Applicant notes that these features are in the through bore of the die body, and nowhere else. Also, that the features of Taylor '970 as cited

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by the Examiner have no effect upon the jamming or tipping of the slug "... in the through bore of the die".

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised anticipation rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection or applicability of the Taylor '970 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law for such features in a die body as claimed by the Applicant. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised anticipation rejection should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

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Respectfully submitted,



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